

V. Definitions

The terms used in this policy are defined below. Where definitions have been taken from the federal regulations, references are provided. In some cases, definitions have been abbreviated or paraphrased for brevity. In the event of a dispute over a definition used or the interpretation of a federal rule, the official published federal rules will be used.

A. Alcohol -- means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. (382.107)

B. Alcohol Concentration (or Content) -- means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. (382.107)

C. Alcohol Test -- a test conducted by a Breath Alcohol Technician (BAT), or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath, or any other test used to detect the presence of alcohol that is approved by the Federal Highway Administration (FHWA).

D. Alcohol Use -- means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. (382.107)

E. Breath Alcohol Technician (BAT) -- means an individual who instructs and assists individuals in the alcohol testing process and is trained to operate the evidential breath testing device (EBT). (40.3)

F. Canceled or Invalid Test -- means:

1. In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither a positive nor a negative test. A sample that has been rejected by a laboratory is treated the same as a canceled test.
2. In alcohol testing, a test that is deemed to be invalid under 40.79. It is neither a positive nor a negative test. (40.3)

G. Commercial Motor Vehicle -- means a motor vehicle or a combination of motor vehicles used in a commerce to transport passengers or property and having one or more of the following characteristics:

1. The vehicle is a single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or the vehicle's registered weight or actual gross weight is more than 26,000 pounds.
2. The vehicle is a combination vehicle with a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual weight of more than 10,000 pounds.

3. The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers.
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (149 CFR 172, subpart F). (382.107)

H. Confirmation Test

1. For alcohol testing, a confirmation test means a second test following a screening test with a result greater than 0.02 that provides quantitative data of alcohol concentration. Confirmation of the screening test must be made by an approved Evidential Breath Testing Device (EBT) (See definition of EBT below) (382.107)
2. For controlled substances testing, a confirmation test means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas Chromatography/ Mass Spectrometry (GC/MS) is the authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine. (382.107)

I. Controlled Substance -- Controlled substances include cocaine, marijuana, opiates, amphetamines, and phencyclidine and any other substance determined by the U.S. Department of Transportation to be a controlled substance.

J. Controlled Substance Test -- means a method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR 40.

K. Covered Employee -- means all University employees whose job duties require a Commercial Drivers License (CDL).

L. Divisional Personnel Representative (DPR) -- means the primary contact person designated to receive information and/or reports relative to employees of a specific College or Division from the Medical Review Officer, the Breath Alcohol Technician, the Substance Abuse Professional and the laboratories. (Also, see definition for UW-Madison, Designated Representative (UDR).)

M. Driver -- means any employee of the University of Wisconsin-Madison who is required to have and maintain a commercial driver's license (CDL) and who is subject to operating a commercial motor vehicle at the direction of, or with the consent of, the University. For the purposes of pre-employment only, the term driver includes a person applying to an employer to drive a commercial vehicle. (382.107)

N. Evidential Breath Testing Device (EBT) -- is a device approved by the National Highway Traffic Safety Administration (NHTSA) and is used for the evidential testing of breath and placed on the NHTSA's "Conforming Products List (CPL) of Evidential Breath Measurement Devices". (40.3) [Note: Approved devices must be capable of printing out each test result and air blank, and must sequentially number each test.]

O. Follow-up Test -- is an alcohol and/or controlled substances test administered to a covered employee who has violated the prohibitions of this policy and who has been permitted to return to duty after passing a return-to-duty alcohol and/or controlled substances test. (382.311)

P. Medical Review Officer (MRO) -- A Medical Review Officer is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the University's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. (40.3)

Q. On-Duty Time -- means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time includes all time spent providing a breath sample or primary urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing as directed by the employer. On-duty time is defined in 49 CFR 395.2 as including:

1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
2. All time inspecting equipment as required by 392.7 and 392.8 of this chapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time as defined in the term driving time in this section;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth as defined by the term sleeper berth of this section;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements of 392.40 and 392.41 of this chapter relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

R. Performing (a safety-sensitive function) -- means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (382.107)

S. Post-Accident Test -- means an alcohol and/or controlled substances test administered to a covered employee following an accident when: (ref. 382.303 and 390.5)

1. the driver was performing safety-sensitive functions with respect to the vehicle involved in the accident and the accident involved the loss of human life; or
2. the driver receives a citation under state or local law for a moving traffic violation arising from the accident; and (a) A person is injured and, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (b) One or more vehicles received disabling damage as a result of the accident, requiring the vehicle(s) to be towed from the scene of the accident; or
3. the supervisor determines that the use of alcohol or controlled substances may have contributed to the accident and requests the driver to undergo testing based on "reasonable suspicion".

T. Pre-Employment Test -- means an alcohol and/or controlled substances test administered to an individual prior to the first time the individual performs a safety-sensitive function upon appointment to a position requiring the individual to hold a CDL or prior to the first time the individual performs a safety-sensitive function after having been laid off from a position requiring the individual to hold a CDL.

U. Random Test -- means an alcohol and/or controlled substances test administered to a driver who has been randomly selected by a scientifically valid method from among the pool of drivers subject to such tests.

V. Reasonable Suspicion Test -- means an alcohol and/or controlled substances test administered to a covered employee as a result of a trained supervisor's or other trained official's reasonable belief that the covered employee has violated the alcohol or controlled substances prohibitions of this policy. A reasonable suspicion determination must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic use and/or withdrawal effects of controlled substances or alcohol. (382.307(a) and (b))

W. Refusal To Submit (to an alcohol or controlled substances test) -- means any of the following: (382.107)

1. A driver fails to provide an adequate amount of breath during testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
2. A driver fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing.
3. A driver engages in conduct that clearly obstructs the testing process.
4. A driver fails to be readily available for post-accident testing.
5. A driver fails to report to, and undergo, alcohol and controlled substances testing at a collection site as required.

X. Return-To-Duty Test -- A return to duty test is an alcohol and/or controlled substances test administered prior to a covered employee being permitted to return to duty when the covered employee has violated this policy. (382.309)

Y. Safety-Sensitive Function -- (382.107) means any of those on-duty functions set forth in 395.2 On-Duty Time, paragraphs (1) through (7). [See definition of On-Duty Time for the list of functions that are considered "safety-sensitive" for commercial drivers. Also see definition of Performing (a safety sensitive function).]

Z. Screening Test (also known as an initial test)

1. In alcohol testing, a screening test means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his or her system.
2. In controlled substances testing, a screening test means an immunoassay screen to eliminate "negative" urine specimens from further consideration. (382.107)

AA. Substance Abuse Professional (SAP) -- means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. (382.107)

AB. Supervisor -- A management or supervisory employee of the University.

AC. Trained Supervisor or Trained Official -- A trained supervisor or a trained official is any University of Wisconsin-Madison supervisor or management employee who has received the minimum required training in identifying the signs and symptoms of alcohol abuse and/or controlled substance abuse.

AD. UW-Madison, Designated Representative (UDR) -- means the primary contact person at the Classified Personnel Office designated to receive all information and/or reports relative to employees from the Medical Review Officer, the Breath Alcohol Technician, the Substance Abuse Professional and the laboratories. (Also, see definition for Divisional Personnel Representative (DPR).)